

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0871

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB1297** - 2/19/99

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to revise the circumstances under which it is not required
2 to provide reasonable efforts to reunite parents with children adjudicated as abused and
3 neglected.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 26-8A-21.1 be amended to read as follows:

6 26-8A-21.1. Nothing in § 26-8A-21 requires reunification of a child with a parent who:

7 (1) Committed a crime defined in § 22-16-4, 22-16-7, 22-16-9, 22-16-15, 22-16-20, 22-
8 22-19.1, 22-22-22, or 26-10-1 or subdivision 22-22-1(1) or (2);

9 (2) Committed a crime defined in § 22-18-1.1 against the child or another child of such
10 parent; ~~or~~

11 (3) Has had parental rights to another child involuntarily terminated by a prior legal
12 proceeding ~~under § 26-8A-26;~~

13 (4) Has a documented history of abuse and neglect associated with chronic alcohol or
14 drug abuse; or

15 (5) Has demonstrated inability to protect the child from substantial harm or the risk of
16 substantial harm, and the child has been removed from the parent's custody because

1 the child has been adjudicated abused and neglected by a court on at least one
2 previous occasion.

3 Section 2. That § 26-8A-26.1 be amended to read as follows:

4 26-8A-26.1. In addition to the provisions of § 26-8A-26, the court may find that good cause
5 exists for termination of parental rights of a parent who:

6 (1) Committed a crime defined in § 22-16-4, 22-16-7, 22-16-9, 22-16-15, 22-16-20, 22-
7 22-19.1, 22-22-22, or 26-10-1 or subdivision 22-22-1(1) or (2);

8 (2) Committed a crime defined in § 22-18-1.1 against the child or another child of such
9 parent; ~~or~~

10 (3) Has had parental rights to another child involuntarily terminated by a prior legal
11 proceeding ~~under § 26-8A-26;~~

12 (4) Has a documented history of abuse and neglect associated with chronic alcohol or
13 drug abuse; or

14 (5) Has demonstrated inability to protect the child from substantial harm or the risk of
15 substantial harm, and the child has been removed from the parent's custody because
16 the child has been adjudicated abused and neglected by a court on at least one
17 previous occasion.

1 **BILL HISTORY**

2 2/1/99 First read in House and referred to committee assignment waived. H.J. 287

3 2/2/99 Referred to State Affairs. H.J. 319

4 2/8/99 Scheduled for Committee hearing on this date.

5 2/8/99 State Affairs Do Pass Amended, Failed, AYES 5, NAYS 8.

6 2/8/99 State Affairs Do Pass Amended, Passed, AYES 7, NAYS 6. H.J. 411

7 2/10/99 Motion to Amend, Passed. H.J. 468

8 2/10/99 House of Representatives Do Pass Amended, Passed, AYES 50, NAYS 18. H.J. 469

9 2/11/99 First read in Senate and referred to State Affairs. S.J. 455

10 2/17/99 Scheduled for Committee hearing on this date.

11 2/17/99 State Affairs Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 550